

In the Matter of WILSON & Co., INC. and AMALGAMATED MEAT CUTTERS
AND BUTCHER WORKMEN OF NORTH AMERICA (A. F. L.), LOCAL
No. 442

Case No. 10-R-1637.—Decided January 25, 1946

Mr. J. L. Cockrill, of Chicago, Ill., for the Company.
Mr. Wilson W. Rowland, of Memphis, Tenn., and *Mr. I. P. Reagan*,
of Atlanta, Ga., for the Union.
Mr. James Zett, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon an amended petition duly filed by Amalgamated Meat Cutters and Butcher Workmen of North America (A. F. L.), Local No. 442, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Wilson & Co., Inc., Cumming, Georgia, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Thomas Taylor Purdom, Trial Examiner. The hearing was held at Cumming, Georgia, on October 22, 1945. The Company and the Union appeared and participated. All parties were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Wilson & Co., Inc., is a Delaware corporation having its principal offices and place of business in Chicago, Illinois. It operates approximately 8 packing plants and approximately 90 branch houses and produce plants throughout the United States.

This proceeding is concerned only with the Company's produce plant at Cumming, Georgia, where the business of the Company is the purchasing and slaughtering of poultry and the processing and distribution of dressed poultry. During the 12-month period preceding the hearing, the Company at its Cumming plant purchased poultry valued in excess of 1 million dollars. None of the poultry was purchased outside the State of Georgia. During the same period other raw material, consisting of boxes and coal, which comprises approximately 1 percent in value of the Cumming plant's purchases, was shipped to its plant at Cumming, Georgia, from States other than the State of Georgia. During the same period, the Company sold products, dressed poultry, valued in excess of 1 million dollars, of which approximately 75 percent was shipped to points outside the State of Georgia.

The Company admits, and we find, that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

Amalgamated Meat Cutters and Butcher Workmen of North America, Local No. 442, is a labor organization, affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of certain of its employees at its Cumming, Georgia, plant until the Union has been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.¹

We find that a question affecting commerce has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT

In substantial accord with an agreement of the parties, we find that all employees of the Company at its Cumming, Georgia, plant, but excluding executives, office and clerical employees, the supervisors of receiving and feeding, packing, viscerating, and picking, and all or any other supervisory employees with authority to hire, promote,

¹ The Field Examiner reported that the Union submitted 74 application for membership cards, and that there were approximately 140 employees in the alleged appropriate unit. The cards were dated 66 in May 1945, and 8 in September 1945.

discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by an election by secret ballot among employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

DIRECTION OF ELECTION

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 3, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Wilson & Co., Inc., Cumming, Georgia, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Tenth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among employees in the unit found appropriate in Section IV, above, who were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding those employees who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election, to determine whether or not they desire to be represented by Amalgamated Meat Cutters and Butcher Workmen of North America (A. F. L.), Local No. 442, for the purposes of collective bargaining.